

M/D 1

IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA

2007 JUL -31 A 10:06

KELLY O. PHILLIPS/JEFFREY BROOKS  
Full name and prison name of Plaintiff(s)  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

v. Elmore County Cor. Facilities  
COMMISSIONER RICHARD ALLEN

WARDEN THOMAS

CAPTAIN MOORE

CAPTAIN HAWTHORNE

MS. MCQUEEN/CLASS. SPEC.

Name of person(s) who violated your  
constitutional rights. (List the names  
of all the person.)

2:07CV623-MEF

CIVIL ACTION NO. 2:07CV619-MEF  
(To be supplied by Clerk of U.S. District  
Court)

I. PREVIOUS LAWSUITS

A. Have you begun other lawsuits in state or federal court dealing with the same or similar facts involved in this action? YES  NO

B. Have you begun other lawsuits in state or federal court relating to your imprisonment? YES  NO

C. If your answer to A or B is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff(s) KELLY PHILLIPS #147985

Defendant(s) PIKE COUNTY JAIL

TROY, ALABAMA #36081

2. Court (if federal court, name the district; if state court, name the county)

SOUTHERN DISTRICT OF ALABAMA

3. Docket number UNKNOWN TO PLAINTIFF

4. Name of judge to whom case was assigned SAME

5. Disposition (for example: was the case dismissed? Was it appealed? Is it still pending?) WAS TRANSFERRED TO PRISON, DISMISSED FOR FAILURE TO LITIGATE

6. Approximate date of filing lawsuit FEBRUARY 2006

7. Approximate date of disposition UNKNOWN

## II. PLACE OF PRESENT CONFINEMENT ELMORE CORR. FACILITY

PLACE OR INSTITUTION WHERE INCIDENT OCCURRED

ELMORE CORR. FACILITY

## III. NAME AND ADDRESS OF INDIVIDUAL(S) YOU ALLEGE VIOLATED YOUR CONSTITUTIONAL RIGHTS.

	NAME	ADDRESS
1.	WARDEN THOMAS	P.O. BOX 8 ELMORE, ALABAMA 36025
2.	CAPTAIN WILLIE MOORE	SAME
3.	CAPTAIN HAWTHORNE	SAME
4.	COMMISSIONER RICHARD ALLEN	P.O. BOX 301501 MONTGOMERY, ALABAMA 36130
5.	MRS. McQUEEN CLASS. SPEC. P.O. BOX 8 ELMORE, ALABAMA 36025	
6.	COI BOYD	SAME
7.	COI THOMPSON	SAME

## IV. THE DATE UPON WHICH SAID VIOLATION OCCURRED MAY 12, 2007/JUNE 20 2007, and JUNE 28, 2007

## V. STATE BRIEFLY THE GROUNDS ON WHICH YOU BASE YOUR ALLEGATION THAT YOUR CONSTITUTIONAL RIGHTS ARE BEING VIOLATED:

GROUND ONE: VIOLATION OF ADMIN. REG. 207/208, CRUEL AND UNUSUAL PUNISHMENT, VIOLATION OF DUE PROCESS, DELIBERATE INDIFFERENCE, VIOLATION OF 207 RETALIATION FROM CORRECTIONAL SENIOR OFFICERS TO CAUSE UNDUE MISERY AND HARDSHIP. SEXUAL DISCRIMINATION AND SLANDER, AND DENIAL OF PRISON RELATED PRIVILEGES BECAUSE OF SEXUAL PREFERENCE.

D.O.C Rules, Deliberately disregard homosexual inmates as a preference of people. Rule # 37 in 403 ~~cannot be prevented~~ For naturally gay people without segregating homosexual From ever → Heterosexual

This same rule applies for the women at tutwiler prison that are lesbian females.

As males, known homosexual inmates are carefully scrutinized for ~~any~~ ANY feminine behavior. EVEN the ones of us that are female impersonators way before our incarceration. ~~Homosexuality~~ Homosexuality is NOT a crime, and homosexuals behave as homosexuals do. Especially in a male prison.

But rule #37 attacks the behavior, but the situation remains the same.

SEX is a natural act! So is femininity for gays!

That cannot be a rule that traps and delays homosexual inmates from our freedom when there is no separation of heterosexual from homosexual in our housing.

STATE BRIEFLY THE FACTS WHICH SUPPORT THIS GROUND. (State as best you can the time, place and manner and person involved.)

ON MAY 12, 2007 THREE(3) INMATES, VERNON COX, PAUL ANDREWS, AND MYSELF, KELLY PHILLIPS, WERE VERBALLY ABUSED BY OFFICERS AT ELMORE CORRECTIONAL CORRECTIONAL FACILITY. WE WERE CALLED SISSIES, FAGGOTS, AND PUNK ASSES. I FILED A LEGITIMATE COMPLAINT ON MAY 15, 2007 to CAPTAIN MOORE AND THE WARDEN, AND MAILED COPIES TO COMMISSIONER ALLEN, ELMORE COUNTY D.A. OFFICE, KIM HENDRIX WSFA, AND WAS THREATENED TO LEAVE SITUATION ALONE BY GROUND TWO CAPTAIN MOORE. NO PROPER INVESTIGATION WAS DONE.

2. VIOLATION OF ADMIN. REG. 207 BY RETALIATING TO CAUSE PUNISHMENT AND HARDSHIP FOR FILING A COMPLAINT AGAINST OFFICER ON MAY 12, 2007.

SUPPORTING FACTS: ON JUNE 20th 2007 INMATE CONFESSED TO WARDEN THOMAS, AND CAPTAIN MOORE AND CAPTAIN HAWTHORNE THAT HE DELIBERATELY STOLE CLOTHING WITH MY PRISON NUMBER ON THEM. BECAUSE IT WAS MY CLOTHING, THEY WOULDNOT LISTEN TO THE TRUTH AND INITIATED PUNISHMENT ON ME THAT KEEPS ME FROM PARTICIPATING IN PROGRAMS NEEDED TO PROGRESS AFTER WRITTEN STATEMENTS WERE SIGNED IN FORM OF A CONFESSION, TO PROVE MY INNOCENCE I WAS LAUGHED AT BY HAWTHORNE(CAPT), AFTER PUNISHMENT WAS GIVEN.

DISCRIMINATIVE REMARKS AND SEXUAL DELIBERATE INDIFFERENCE DISCRIMINATION. I HAVE BEEN TOLD THAT THE ADMINISTRATION DOES NOT LIKE ME BECAUSE I AM A "LITIGATING" SISSEY BY CAPT. NMOORE. GROUND THREE: and PROGRESS BY MS. McQUEEN AND TOLD I WAS NOT ELIGIBLE FOR ANYTHING

BECAUSE I WAS A FEMALE IMPERSONATOR ON THE STREET AT A PROGRESS REVIEW BEFORE MS. McQUEEN. (JEFFREY BROOKS#133348). MRS. McQUEEN IS DENYING ELIGIBLE INMATES OPPORTUNITY TO MOVE ON FROM E.C.C.

SUPPORTING FACTS: (CHECK HER CASELOAD) AND USE HER CASELOAD AS EVIDENCE TO HOW MANY SHE HAS NOT SEEN EVERY (6) MONTHS FOR PROCESSING AND REVIEW.

*Cruel and unusual punishment, Inadequate Health Proceed  
Inadequate Laundry Facility. (1) Laundry For (5) Five  
institutions Force inmates to have to wash  
clothing by hand and risk disciplinary action  
to keep clean. State issues (3) sets of underclothing  
Laundry bags are washed (1) once a week by rule!  
So if an inmate works (5) days a week his clothing  
is dirty. There are (7) days in a week. But if we  
wash by hand its a disciplinary. But each institution  
Should afford their own laundry facility. But Not Elmore Co.*

Elmore County Corrections WASHES CLOTHING

FOR

ALEX CITY WR. RELEASE, 200 inmates (over  
DRAPPER CORR. Facility, over 1000 inmates  
FRANK LEE Y. CENTER, over 500 inmates  
ELMORE CORR. Facility, over 500 inmates  
STATON CORR. Facility, over 1500 inmates

Allowing Inmates without a choice but to  
handwash their clothing if they want to stay  
CLEAN.

THEN RECEIVE DISPLINARY ACTION FOR DOING SO.

THIS IS CRUEL AND UNUSUAL PUNISHMENT.

Especially when there is (1) <sup>ONE</sup> Laundry Facility for  
ALL THE ABOVE INSTITUTIONS.

SAME SITUATION APPLIES FOR MEDICAL UNIT (1) ONE  
MEDICAL DOCTOR FOR EACH INSTITUTION. ALL MEDICAL  
NEEDS ARE ADDRESSED AT STATON. IN CASE OF  
MORE THAN (1) <sup>ONE</sup> SERIOUS MEDICAL EMERGENCY, THERES  
BUT (1) ONE M.D. FOR (5) INSTITUTIONS.

ALL (5) INSTITUTIONS

FOR WASHING CLOTHES ALONE, Elmore County HAS  
ISSUED NUMEROUS INMATES CITATIONS AND DISPLINARIES  
[REDACTED] THEN USES THESE INFRACTIONS TO DELAY THESE  
INMATES IN moving out OF AN already OVERCROWDED  
SITUATION.

VI. STATE BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU.  
MAKE NO LEGAL ARGUMENT. CITE NO CASES OR STATUTES.

investigate all parties involved, make honest fair judgements, and discipline  
those needed to be disciplined. award monetary damages for pain and suffering  
and mental anguish at this institution. demand all parties involved to remain  
at this institution to ensure these proceedings are not prejudiced. And,

The demotion of Both Captain Moore, & Hawthorne For deliberate  
retaliation against inmates.

X Kelly Phillips 147985  
X Jeffrey Brooks 133348  
Signature of plaintiff(s) JEFFREY BROOKS#133348

I declare under penalty of perjury that the foregoing is true and correct. VERNON COX#179181

Executed on June 29, 2007  
(Date)

X  
Signature of plaintiff(s)

X

Kelly Phillips #47985 B-1-34

P.O. Box 8

Elmore Al 36025

MONTGOMERY AL 361

02 JUL 2007 PM 4 L



U.S. District of Al.  
OFFICE OF THE CLERK

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